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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,517	09/902,517 07/09/2001		J. Jeffrey Seilhamer	219002025213	7422
25225	7590	12/04/2002			
MORRISO	N & FOE	ERSTER LLP	EXAMINER		
3811 VALLEY CENTRE DRIVE SUITE 500 SAN DIEGO, CA 92130-2332				EPPS, JA	NET L
				ART UNIT	PAPER NUMBER
				1635	11/
				DATE MAILED: 12/04/2002	14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner		Application No.	Applicant(s)					
Janet L Epps-Ford, Ph.D.   1635		09/902,517	SEILHAMER ET AL.					
The MALING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  Extensions of time may be available used the provisions of 3 CER 1.13(a). In re-evert, however, may a reply be timely filed  Extensions of time may be available used the provisions of 3 CER 1.13(a). In re-evert, however, may a reply be timely filed  If the period for reply septimal above is less than althiry (30) days, a reply within the standary minimum of thirty (30) says will be considered limitely.  If the period for reply septimal states is less than althiry (30) days, a reply with the standary provided large of vice states of the provided reply septimal to reply which the section set the meriting date of this corremnication.  Final to reply which the section set of the section of the section of the provided reply and the section set of	Office Action Summary	Examiner	Art Unit					
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 31 CPR 1.136(a). In no event, however, may a reply be timely filed  Extensions of time may be available under the provisions of 37 CPR 1.136(a). In no event, however, may a reply be timely filed  Extensions of time may be available under the provisions of 37 CPR 1.136(a). In no event, however, may a reply be timely filed  Extensions of the major and available under the provision of the provision of the foreign page and available under the provision of the provision of the foreign page and the published because the spoke interminent page and the provision of the provision of the foreign page and the provision of the provision of the major and page and the provision of the pr								
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2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 32.44 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) is/are objected to by the Examiner.  4pplication Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c)  None of:  1.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  10  Notice of References Cited (PTO-82)  21  Notice of Informal Patent Application (PTO-152)	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
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Application/Control Number: 09/902,517

Art Unit: 1635

## Election/Restrictions

Pursuant to 35 U.S.C. 121 and 37 C.F.R. 1.141, the amino acid sequence recited in claims 33-40 are subject to restriction. Claims 33-40 recite amino acid sequences according to SEQ ID NO: 6-14, and 49-50. Each of these sequences is considered to be structurally independent and distinct, because although they share some similar residues, the overall sequence of each of these amino acid sequences is different and would require a separate and independent search of the prior art. Additionally, a search of all the amino acid sequences recited in the instant claims presents an undue burden on the Patent and Trademark Office to search and examine all of the recited sequences. In view of the foregoing, applicants are required to elect up to 1 of the claimed amino acid sequences to be searched with the claimed invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Application/Control Number: 09/902,517

Art Unit: 1635

Page 3

examiner should be directed to Janet L Epps-Ford, Ph.D. whose telephone number is 703-308-

8883. The examiner can normally be reached on M-T, Thurs-Friday 9:00AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

Any inquiry concerning this communication or earlier communications from the

supervisor, John LeGuyader can be reached on (703)-308-0447. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-305-3014 for regular

communications and 703-746-5143 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-308-0196.

Janet L Epps-Ford, Ph.D.

Examiner

Art Unit 1635

JLE

December 2, 2002